

ROUND VALLEY INDIAN TRIBES OF	: Order Docketing and Dismissing
THE ROUND VALLEY RESERVATION,	: Appeal
Appellant	:
	:
v.	: Docket No. IBIA 00-90-A
	:
ASSISTANT SECRETARY - INDIAN	:
AFFAIRS,	:
Appellee	: June 20, 2000

The Round Valley Indian Tribes of the Round Valley Reservation have filed a notice of appeal from the “near-reservation” designation made for them by the Assistant Secretary - Indian Affairs. The designation was included in a document titled “Notice of Near-Reservation Designations for California Tribes,” 65 Fed. Reg. 31188 (May 16, 2000), which was published pursuant to 25 C.F.R. § 20.1(r) and which states that its purpose is to give notice of the locales designated by the Assistant Secretary “as ‘near-reservation’ areas appropriate for the extension of [Bureau of Indian Affairs] financial assistance and/or social services.” Id.

The Tribes’ notice of appeal is addressed to the Assistant Secretary, with a copy to the Board. While it is not entirely clear that the Tribes intended to appeal to the Board, the Board assumes, for purposes of this order, that they did so intend.

Because the Tribes’ “near-reservation” designation was made by the Assistant Secretary, the Board lacks authority to review it. See, e.g., Scott’s Valley Band of Pomo Indians v. Assistant Secretary - Indian Affairs, 35 IBIA 89 (2000), and cases cited therein. (The Board lacks jurisdiction to review decisions made by the Assistant Secretary, except where a matter is specially referred to the Board by the Secretary or Assistant Secretary or where a right of review is established by regulation.) No special referral has been made in this case, and no regulation gives the Board authority to review a “near-reservation” designation made by the Assistant Secretary under 25 C.F.R. § 20.1(r).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge